

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.Rev.Pet.No. 631 of 2002(P)

CRA.83/1995 of SESSIONS COURT, MANJERI
CC.24/1995 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM
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REVN. PETITIONER: PETITIONER/APPELLANT/ACCUSED:

PALAKKATHODI SANKARAN,
S/O. ANDAVAN INDIANOOR AMSOM,
VILLUR DESOM, KOTTAKKAL, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: RESPONDENTS/RESPONDENTS/COMPLAINANT:

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1. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL.
 2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON CRL.M.P.NO.3915/2002 IN CRL.R.P.NO.631/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

25/10/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.631 of 2002-A
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Dated this the 25th day of October, 2007

O R D E R

The revision petitioner stands convicted with respect to the offences under Sections 279, 337 and 338 of the Indian Penal Code and sentenced to undergo simple imprisonment for six months for the offence under Section 279 I.P.C, to undergo simple imprisonment for three months for the offence under Section 337 I.P.C and to undergo simple imprisonment for one year for the offence under Section 338 I.P.C.

2. The prosecution case is that the accused being the driver of KL-7/D 4770 bus, on 04/07/1994 at 7 a.m drove the same in a rash and negligent manner so as to endanger human life through the Perinthalmanna-Kottakkal road and caused it to collide against bus No.KRZ 5553 that came from the opposite direction.

3. The counsel for the revision petitioner has only pleaded for leniency so far as the sentence is concerned. It is pointed out that more than 13 years have elapsed since the commencement of the

proceedings and that so far the accused has been facing the ordeal of criminal proceedings. In the circumstances, I find that the sentence is liable to be modified. Only two of the passengers, i.e., PWs.2 and 4 have sustained grievous hurt and that they have sustained colles fractures (PW.2) and fracture of the two ribs (PW.4) and others have sustained no serious injuries. Hence, the sentence imposed for the offence under Section 338 I.P.C is modified to imprisonment till the rising of the court and to pay compensation of Rs.7,500/- each to PWs.2 and 4 and in default to undergo simple imprisonment for three months each. No separate sentence is awarded for the rest of the offences. The accused/revision petitioner is granted three months time to remit the amount of compensation. He shall appear before the Judicial Magistrate of the First Class, Malappuram, on 25/01/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.631 of 2002-A
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O R D E R

25th October, 2007